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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION – LOS ANGELES**

Frankel, et al.,

Plaintiffs,

v.

Regents of the University of
California, et al.,

Defendants.

Case No. 2:24-CV-4702-MCS-PD

**DEFENDANTS' STATEMENT OF
ADDITIONAL MATERIAL FACTS**

Judge: Hon. Mark C. Scarsi
Courtroom: 7C
Hearing: May 12, 2025, 9:00 a.m.

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Defendants submit the following Statement of Additional Material Facts pursuant to Fed. R. Civ. P. 56 and this Court's Standing Order for Civil Cases in support of their Opposition to Plaintiffs' Motion for Partial Summary Judgment and Permanent Injunction.

I. STATEMENT OF ADDITIONAL MATERIAL FACTS

Issue: Defendants Did Not Violate the Free Exercise Clause

| Fact | Supporting Evidence |
|--|---|
| UCLA's Commitment to Equal Treatment | |
| 1. UCLA rejects antisemitism and is committed to equal treatment of all "individuals on the basis of expression of race, color, ethnicity, gender, age, disability, religious beliefs, political preference, sexual orientation, gender identity, citizenship or national origin, among other personal characteristics." | 1. Cowan Decl. Ex. A (UCLA's Mission and Values) at 6. ¹ |
| 2. The University's policies prohibit discrimination based on protected traits. | 2. Cowan Decl. Ex. A (UCLA's Mission and Values) at 6; 2d Beck Decl. Ex. H (UC Anti-Discrimination Policy) at 67, 85. |
| 3. As a public university, the University must comply with the First Amendment. | 3. 2d Beck Decl. Ex. G (UCLA time, place, and manner policies) at 42. |
| 4. While the University has adopted restrictions that limit when, where, and how students may protest, it does not and cannot limit the content or the viewpoints expressed during on-campus protests. | 4. 2d Beck Decl. Ex. G (UCLA time, place, and manner policies) at 42-44. |
| UCLA Condemns and Addresses Antisemitic Conduct Throughout the 2023-2024 Academic Year | |
| 5. On October 7, 2023, Hamas launched an unprecedented terrorist attack on Israel, a tragic event that | 5. Hunt Decl. ¶ 3; 2d Beck Decl. ¶¶ 3-4; Cowan Decl. Ex. G (Chancellor Block testimony) at 26. |

¹ Pursuant to L.R. 11-52, pincites to each exhibit are to the page number added to the bottom of each page of the exhibit.

| | Fact | Supporting Evidence |
|----|--|---------------------------------------|
| 1 | | |
| 2 | sparked a rise in antisemitism across | |
| 3 | universities nationwide. UCLA has not | |
| 4 | been immune to the “disturbing rise of | |
| 5 | antisemitism that has occurred across | |
| 6 | our country since the horrific attack on | |
| 7 | Israel of October 7th.” | |
| 8 | 6. UCLA has unequivocally | 6. Hunt Decl. ¶ 3; 2d Beck Decl. ¶ 4; |
| 9 | condemned displays of anti-Jewish | 2d Beck Decl. Ex. D (Nov. 10, 2023 |
| 10 | hostility on campus and affirmed its | system-wide statement) at 16; 2d Beck |
| 11 | commitment to combating antisemitism | Decl. Ex. E (Regents Policy 4403) at |
| 12 | and fostering an environment where all | 18. |
| 13 | community members feel safe, secure, | |
| 14 | and welcome. | |
| 15 | 7. In a campus-wide message in | 7. 2d Beck Decl. Ex. B (Oct. 27, 2023 |
| 16 | October 2023, Chancellor Block stated | campus-wide message) at 13. |
| 17 | that while the “ongoing conflict in the | |
| 18 | Middle East” had “stirred very deep | |
| 19 | emotions in many of us,” those | |
| 20 | emotional responses did not “give | |
| 21 | anyone in our community—or anyone | |
| 22 | visiting our campus—license to make | |
| 23 | our students, staff or faculty feel | |
| 24 | unsafe.” | |
| 25 | 8. Chancellor Block affirmed that | 8. 2d Beck Decl. Ex. B (Oct. 27, 2023 |
| 26 | UCLA “unequivocally reject[s] bigotry | campus-wide message) at 13. |
| 27 | and hate,” including antisemitism, and | |
| 28 | promised that UCLA was engaged in | |
| | “protect[ing] the safety and well-being | |
| | of all Bruins.” | |
| | 9. Throughout the academic year, | 9. 2d Beck Decl. Ex. C (Nov. 10, 2023 |
| | Chancellor Block reaffirmed UCLA’s | campus-wide message) at 14. |
| | commitment to creating a safe learning | |
| | environment for all students, pledging | |
| | to “work against” antisemitism. | |
| | 10. Chancellor Block denounced | 10. 2d Beck Decl. Ex. C (Nov. 10, |
| | “hateful behavior” and “despicable | 2023 campus-wide message) at 14. |
| | Antisemitic language” at a protest on | |
| | November 8, 2023. | |
| | 11. While UCLA accepted that the | 11. 2d Beck Decl. Ex. C (Nov. 10, |
| | First Amendment protects even hateful | 2023 campus-wide message) at 14. |

| Fact | Supporting Evidence |
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| viewpoints, it also reaffirmed that it was “abhorrent and completely unacceptable,” promising that it would “review[] the actions at the event” and hold accountable anyone found to have violated UCLA’s code of conduct. | |
| 12. Whenever graffiti was found on campus displaying antisemitic symbols, it was immediately removed by UCLA officials. | 12. 2d Beck Decl. ¶ 4. |
| 13. Beyond “denounc[ing] bigotry,” UCLA joined with the entire UC system to also “actively work against it,” including through “systemwide initiatives” to “address the current university climate.” | 13. 2d Beck Decl. Ex. C (Nov. 10, 2023 campus-wide message) at 14. |
| UCLA’s Response to the Royce Quad Encampment | |
| 14. In April 2024, pro-Palestinian protest encampments appeared on campuses across the country. | 14. Beck Decl. (ECF 62-3) ¶ 4. |
| 15. UCLA Administrators monitored these developments and discussed strategies for making a plan if a similar protest were to erupt at UCLA. | 15. Beck Decl. (ECF 62-3) ¶ 4. |
| 16. In the early hours of April 25, 2024, protesters began erecting tents in Royce Quad at the center of UCLA’s main campus. | 16. Beck Decl. (ECF 62-3) ¶ 5. |
| 17. Given the UCLA PD’s level of resources at that time, it was not operationally feasible for UCLA PD to dismantle the encampment immediately. | 17. Beck Decl. (ECF 62-3) ¶ 6; 2d Beck Decl. ¶ 10. |
| 18. On the morning of April 25, senior UCLA leaders convened to discuss strategies to end the encampment. | 18. Beck Decl. (ECF 62-3) ¶ 5. |
| 19. UCLA recognized that it needed to disband the encampment. UCLA deemed the encampment | 19. Beck Decl. (ECF 62-3) ¶ 5; 2d Beck Decl. ¶ 10; Cowan Decl. Ex. C (April 30, 2024 Campus Update) at 21. |

| | Fact | Supporting Evidence |
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| 1 | | |
| 2 | “unauthorized” and focused on safely | |
| 3 | and effectively removing it. | |
| 4 | 20. Mindful that schools like the | 20. Beck Decl. (ECF 62-3) ¶ 5; 2d |
| 5 | University of Southern California and | Beck Decl. ¶¶ 10, 12. |
| 6 | Columbia University had recently | |
| 7 | called law enforcement to end similar | |
| 8 | protests, only to have new | |
| 9 | encampments rebuilt within days, | |
| 10 | UCLA decided to first attempt a | |
| 11 | de-escalation strategy to have the | |
| 12 | encampment removed peacefully and | |
| 13 | durably. | |
| 14 | 21. De-escalation is a reliable, | 21. Lurie Decl. ¶ 9. |
| 15 | effective, and commonly used strategy | |
| 16 | for managing protest activity that aims | |
| 17 | to defuse tensions through limited law | |
| 18 | enforcement presence and intervention, | |
| 19 | among other things. | |
| 20 | 22. Law enforcement agencies, | 22. Lurie Decl. ¶ 9. |
| 21 | including LAPD, have adopted | |
| 22 | de-escalation techniques for use in | |
| 23 | situations that are tense, uncertain, and | |
| 24 | rapidly changing. The objective is to | |
| 25 | reduce the intensity of an encounter | |
| 26 | with law enforcement to gain either | |
| 27 | voluntary compliance or mitigate the | |
| 28 | need to use a higher level of force. | |
| | 23. In accordance with the de- | 23. Cowan Decl. Ex. D (April 28, 2024 |
| | escalation strategy, on April 25, UCLA | Campus Activity Update) at 22; Beck |
| | installed metal bike racks around the | Decl. (ECF 62-3) ¶ 6; 2d Beck Decl. |
| | encampment to discourage an | ¶ 12. |
| | expansion of its footprint and mitigated | |
| | tensions through specific | |
| | communication strategies. | |
| | 24. Even during the de-escalation | 24. Beck Decl. (ECF 62-3) ¶¶ 8-9; 2d |
| | phase, law enforcement monitored the | Beck Decl. ¶ 12. |
| | encampment. | |
| | 25. On April 26, UCLA received and | 25. Beck Decl. (ECF 62-3) ¶ 7. |
| | granted a request from the Israeli | |
| | American Council to hold a pro-Israel | |

| 1 | Fact | Supporting Evidence |
|----|--|------------------------------------|
| 2 | rally on April 28, 2024, directly | |
| 3 | opposite the encampment. | |
| 4 | 26. In anticipation of that | 26. Beck Decl. (ECF 62-3) ¶ 7. |
| 5 | demonstration, UCLA increased the | |
| 6 | number of metal bike racks surrounding | |
| 7 | the encampment and specifically | |
| 8 | established two “neutral zones” to help | |
| 9 | maintain campus safety by preventing | |
| 10 | clashes between the two opposing | |
| 11 | groups of protesters. | |
| 12 | 27. It is standard practice to keep | 27. Lurie Decl. ¶ 8. |
| 13 | opposing groups separate during protest | |
| 14 | and counterprotest activity. This | |
| 15 | includes through the use of barriers and | |
| 16 | other crowd control techniques and by | |
| 17 | creating and enforcing ‘neutral zones’ | |
| 18 | to keep opposing factions separate to | |
| 19 | prevent violence. | |
| 20 | 28. UCLA’s security team, which | 28. Beck Decl. (ECF 62-3) ¶¶ 7-9. |
| 21 | included third-party security and crowd | |
| 22 | management personnel, was instructed | |
| 23 | to prevent anyone from accessing the | |
| 24 | neutral zones. | |
| 25 | 29. The security team was also | 29. Beck Decl. (ECF 62-3) ¶ 9. |
| 26 | instructed to attempt to de-escalate any | |
| 27 | direct confrontations between those in | |
| 28 | the encampment and counter-protesters. | |
| | 30. Despite UCLA’s efforts to | 30. Beck Decl. (ECF 62-3) ¶ 10. |
| | maintain order, violence broke out | |
| | during the April 28 counter-protest. | |
| | 31. Based on this experience, UCLA | 31. Beck Decl. (ECF 62-3) ¶ 10. |
| | decided that the de-escalation strategy | |
| | could not be given any more time, and | |
| | decided to pursue a law enforcement | |
| | response. | |
| | 32. UCLA PD projected that due to the | 32. Beck Decl. (ECF 62-3) ¶ 10; 2d |
| | size of the encampment, it would take | Beck Decl. ¶ 13. |
| | days to assemble the necessary | |
| | resources to do so. | |

| Fact | Supporting Evidence |
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| 33. On or around Monday, April 29, UCLA learned that individuals in the encampment had moved metal barriers and blocked certain entrances to university buildings around Royce Quad, including an entrance on the western side of Powell Library. When UCLA became aware of these blockages, it had them removed. | 33. Beck Decl. (ECF 62-3) ¶ 11. |
| 34. UCLA also stationed personnel to help students navigate around the encampment and access campus buildings. UCLA continued to increase the security presence in the area during this time. | 34. Beck Decl. (ECF 62-3) ¶ 11; 2d Beck Decl. ¶ 13. |
| 35. On April 30, protesters in the encampment received notice that the encampment was unlawful, and that they should disperse—a prerequisite for law enforcement to remove them. | 35. Beck Decl. (ECF 62-3) ¶ 12; Braziel Decl. (ECF 62-5) ¶ 25. |
| 36. By April 30, the encampment had grown to at least 500 individuals during the day. | 36. Beck Decl. (ECF 62-3) ¶ 12. |
| 37. Before a critical mass of police could be assembled to remove the encampment, assailants violently attacked the encampment that night. It took several hours for law enforcement to subdue the violence. | 37. Beck Decl. (ECF 62-3) ¶ 12. |
| 38. In a message to the UCLA community on April 30, Chancellor Gene Block condemned the “shocking” acts of violence that had occurred, while specifically acknowledging the impact of violence on UCLA’s Jewish students. | 38. Cowan Decl. Ex. C (April 30, 2024 Campus Update) at 21. |
| 39. On May 1, individuals in the encampment were given a final opportunity to leave voluntarily. More | 39. Beck Decl. (ECF 62-3) ¶ 13; 2d Gorden Decl. ¶ 3. |

| Fact | Supporting Evidence |
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| than 200 protesters refused and were arrested. | |
| 40. The Royce Quad encampment was removed by law enforcement late that night into the morning of May 2. | 40. Beck Decl. (ECF 62-3) ¶ 13. |
| 41. UCLA enacted these measures to keep all students and faculty safe, regardless of religious identity. | 41. Beck Decl. (ECF 62-3) ¶¶ 5-9, 11; Gorden Decl. (ECF 62-7) ¶¶ 3, 5-6; 2d Beck Decl. ¶ 10. |
| 42. UCLA acted to protect all members of the UCLA community and ensure all students, faculty, and staff could access UCLA's facilities and campus. | 42. 2d Beck Decl. ¶ 10. |
| UCLA Strengthens Its Capacity to Respond to Protests | |
| 43. On May 5, 2024 UCLA announced the creation of the Office of Campus and Community Safety ("OCS"), led by an Associate Vice Chancellor ("AVC") who reports directly to the Chancellor. | 43. Braziel Decl. (ECF 62-5) ¶¶ 2, 12-14; 2d Beck Decl. ¶ 14(e); 2d Beck Decl. Ex. I (Sept. 5, 2024 Four-Point Plan) at 94-95. |
| 44. UCLA reassigned the Chief of the UCLA Police Department at the time of the Royce Quad encampment. | 44. Braziel Decl. (ECF 62-5) ¶ 17. |
| 45. The University of California Office of the President retained a nationally recognized law enforcement consulting firm to conduct an independent review of UCLA's security measures. The law enforcement consulting firm completed its investigation in November 2024, and the University of California and UCLA are reviewing its recommendations. | 45. Cowan Decl. Ex. F (May 7, 2024 announcement) at 24; Lurie Decl. ¶ 6. |
| 46. The inaugural AVC of OCS was Rick Braziel. AVC Braziel brought to this role his 33 years of experience in the Sacramento Police Department and his expertise reviewing law enforcement response to several significant incidents, including, for example, the riots in Ferguson, Missouri. | 46. Braziel Decl. (ECF 62-5) ¶¶ 2-11. |

| Fact | Supporting Evidence |
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| 47. UCLA hired AVC Braziel to an interim position to launch OCS's operations, and, on February 1, 2025, Steve Lurie took the helm. | 47. Lurie Decl. ¶ 2. |
| 48. AVC Lurie served 27 years with the Los Angeles Police Department ("LAPD"), most recently as a commander. During his time with LAPD, he served as LAPD's liaison to Los Angeles's Jewish community, was a commander in LAPD's Office of Constitutional Policing and Policy, and led a citywide incident management team. | 48. Lurie Decl. ¶¶ 3-5. |
| 49. Since the creation of the OCS, UCLA's day-to-day responsibility for campus safety incident response has shifted to an Emergency Operations Center that is empowered to make critical decisions about responding to protests on campus. | 49. Braziel Decl. (ECF 62-5) ¶ 21. |
| 50. Under the OCS's leadership, UCLA is finalizing an Emergency Operations Plan for expressive activity, which includes flowcharts with procedures for responding to various expressive activities, event checklists, a major events tracker, internal procedures for escalation, and designating a single person to be in charge of the response. | 50. Lurie Decl. ¶ 10(b). |
| 51. The OCS holds bi-weekly meetings to debrief on any incidents. | 51. Lurie Decl. ¶ 10(c). |
| 52. One important guiding principle in UCLA's strategy for engagement with student protesters is the Robinson-Edley Report, which enumerates recommendations for responding to demonstrations and managing protests. Consistent with Robinson-Edley, | 52. Beck Decl. (ECF 62-3) ¶ 14; Braziel Decl. (ECF 62-5) ¶ 22. |

| Fact | Supporting Evidence |
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| <p>UCLA has time, place, and manner restrictions and other content-neutral policies that prohibit protest activity that significantly interferes with UCLA's mission—for example, harassment and intimidation or blocking access to educational buildings.</p> | |
| <p>53. On August 19, 2024, University of California President Michael Drake clarified UC policies related to expressive activities in a directive sent to all campuses, requiring all campuses to update their rules regarding the time, place, and manner of expressive activities.</p> | <p>53. 2d Beck Decl. ¶ 14(a); 2d Beck Decl. Ex. F (Aug. 19, 2024 Presidential Directive) at 21-22.</p> |
| <p>54. Consistent with this directive, on September 4, 2024, UCLA announced revised policies regarding, among other things: (i) unapproved camping or encampments, (ii) unauthorized structures, (iii) activities restricting free movement of individuals on campus, and (iv) wearing a mask or face covering with the intent of intimidating any person or group or to evade identification.</p> | <p>54. 2d Beck Decl. ¶ 14(b); 2d Beck Decl. Ex. G (UCLA time, place, and manner policies) at 28; 2d Beck Decl. Ex. I (Sept. 5, 2024 Four-Point Plan) at 95.</p> |
| <p>55. On no fewer than ten occasions, UCLA intervened to end unauthorized protest activity on campus within a matter of hours, including by arresting around 70 protesters who refused to disperse.</p> | <p>55. 2d Beck Decl. ¶¶ 16-25.</p> |
| <p>56. On May 23, 2024, protesters attempted to occupy the Kerckhoff Patio, but dispersed after law enforcement was called. Unauthorized protesters were ordered to stay away from campus for fourteen days pursuant to the California Penal Code.</p> | <p>56. Cowan Decl. Ex. E (May 23, 2024 campus-wide message) at 23; Brazier Decl. (ECF 62-5) ¶ 29; 2d Beck Decl. ¶ 16.</p> |

| Fact | Supporting Evidence |
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| 57. On May 6, 2024, more than 40 individuals were arrested after they were found in a campus parking structure with plans to break in and occupy Moore Hall. | 57. Braziel Decl. (ECF 62-5) ¶ 28; 2d Beck Decl. ¶ 16. |
| 58. On June 10, 2024, approximately 27 individuals were arrested after one group dyed Shapiro Fountain red and another group attempted to disrupt final exams in Moore Hall. The students who were arrested were served fourteen-day stay-away orders, under section 626.4 of the California Penal Code, preventing them from being on campus to take classes or participate in commencement ceremonies. | 58. Braziel Decl. (ECF 62-5) ¶ 30. |
| 59. Individuals disrupted a portion of the September 19, 2024 Regents of the University of California meeting. Law enforcement intervened and protesters voluntarily dispersed. There were no reported incidents of physical violence. | 59. 2d Beck Decl. ¶ 18. |
| 60. On November 19, 2024, three pro-Palestine protesters were arrested for obstructing access to Bruin Walk and conducting an unauthorized protest. | 60. 2d Beck Decl. ¶ 22. |
| 61. Disciplinary action has been taken or is pending for 163 community members who were involved in the Royce Quad encampment and subsequent protests on campus. | 61. 2d Gorden Decl. ¶ 7. |
| UCLA Expands Its Efforts to Combat Antisemitism | |
| 62. In February 2024, Executive Vice Chancellor and Provost Darnell Hunt appointed faculty to a Task Force to Combat Antisemitism and Anti-Israeli Bias (the “Task Force”), which he charged with: (i) preparing a report on antisemitism and anti-Israeli bias at | 62. Hunt Decl. ¶ 7. |

| Fact | Supporting Evidence |
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| UCLA; and (ii) making recommendations for UCLA about how it could better serve Jewish and Israeli community members. | |
| 63. The Task Force released its report on October 16, 2024. | 63. Hunt Decl. ¶ 8. |
| 64. In January 2025, Dr. Julio Frenk became UCLA's new chancellor. | 64. Frenk Decl. ¶ 2. |
| 65. Frenk is a fourth-generation physician whose paternal grandparents fled Germany in the early 1930s to build a new life in Mexico. | 65. Frenk Decl. ¶ 6. |
| 66. On March 10, 2025, Frenk announced a new Initiative to Combat Antisemitism. | 66. Frenk Decl. ¶ 15. |
| 67. The initiative will be led by Distinguished Professor Stuart Gabriel of the UCLA Anderson School of Management, who also chaired the Task Force. | 67. Frenk Decl. ¶ 15. |
| 68. The initiative will implement the Task Force's recommendations, with a focus on enhancing relevant training and education, improving UCLA's system of tracking and addressing complaints, bolstering enforcement of applicable laws and policies, and strengthening cooperation with interested stakeholders. | 68. Frenk Decl. ¶ 15; Frenk Decl. Ex. D (March 10, 2025 Initiative to Combat Antisemitism announcement) at 67. |

Dated: April 4, 2025

Respectfully submitted,

By: /s/ Matthew R. Cowan
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